

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: November 4, 2025
Meeting Type: Regular Council Meeting

Prepared by: Trevor Empey, Senior Planner
Department: Planning and Development

Title: Official Community Plan and Zoning Amendment | OPZ00004 | 9730, 9750, 9764, 9778 Highway 97 and 9743, 9751 Okanagan Centre Road East (6 Parcels)
Description: To Rezone from RU1-Small Scale Multiple Housing to CD19 – Comprehensive Development Zone 19 -Town Centre Commercial West

RECOMMENDATION

THAT first and second readings of Zoning Amendment (OPZ00004) Bylaw 1295, 2025 be rescinded and the bylaw closed;
THAT Zoning Amendment (OPZ00004) Bylaw 1306, 2025 be read a first and second time;
AND THAT prior to adoption, the property owner be required to dedicate road as generally shown on Attachment E to the Report from Council dated November 4, 2025
AND THAT Zoning Amendment (OPZ00004) Bylaw 1306, 2025 be forwarded to a public hearing.

EXECUTIVE SUMMARY

This application consists of both an OCP amendment and a rezoning amendment. The requested amendment to the OCP future land use designation for 9730 Highway 97 from Highway Commercial to Mixed-Use Commercial was adopted on September 16, 2025 (Bylaw 1294). The rezoning application for 9730, 9750, 9764, 9778 Highway 97 and 9743, 9751 Okanagan Centre Road East proposed to rezone the lands from RU1 - Small Scale Multi Unit Housing to C1 – Town Centre Commercial; this bylaw was referred back to staff with the direction to create a comprehensive development zone

This report outlines the proposed comprehensive development zone, CD19 – Town Centre Commercial West. The CD19 zone proposed is an adaptation to the C1 zone with proposed changes to the following regulations: reduced permitted uses, decreased mixed use percentage, increased setbacks, removal of the hillside development sightlines, and modified daylighting standards.

Staff support rezoning the subject properties to CD19 Town Centre Commercial West, provided that road dedication is received, as it would be consistent with the future land use designation of mixed-use commercial under the OCP. It is recommended that Zoning Amendment (OPZ00004) Bylaw 1306, 2025 be read a first and second time, and forwarded to a public hearing.

BACKGROUND

Application Information			
Application Type	Zoning Amendment Bylaw	Application Date:	February 19, 2025
Applicant:	Flat Architecture	Owner:	1384389 BC LTD
Application Description	<ul style="list-style-type: none"> Land Use Amendment (1 parcel completed) Rezone all parcels from RU-1 Small Scale Multi Unit Housing to C1 – Town Centre Commercial 		

Variiances	<ul style="list-style-type: none"> Under the C1 zone, future variances would be required to the Hillside Development Sightlines and Daylighting Standards as part of the proposed mixed-use development
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Property Information: General		
Civic Addresses:	9730, 9750, 9764, 9778 Hwy. 97 and 9743, 9751 Okanagan Centre Rd. East	
Property Information: Land Use		
OCP Designation:	<ul style="list-style-type: none"> Highway Commercial (9730 Hwy. 97) Mixed Use Commercial: 9750, 9764, 9778 Hwy. 97 and 9743, 9751 Okanagan Centre Rd. East 	
Zoning Designation:	<ul style="list-style-type: none"> RU1 – Small Scale Multi Unit Housing (9730, 9750, 9764, 9778 Hwy. 97 and 9743, 9751 Okanagan Centre Rd. East) 	
Land Use Contract	No	
ALR:	No	
Parcel Size:	<ul style="list-style-type: none"> Multiple parcels: varies between 0.2 to 0.5 Acres / 802m² to 2023m² 	
Development Permit Areas:	<ul style="list-style-type: none"> Town Centre 	
Adjacent Land Summary:	Zoning:	Use:
<i>North:</i>	RU-M – Single Family Housing Mobile Home	Building Strata
<i>East:</i>	C1 - Town Centre Commercial	Vacant
<i>South:</i>	C11 – Highway Commercial	Commercial Gas Station
<i>West:</i>	RU1 – SSMUH	Single-family dwelling

Property Information: Infrastructure and Development Engineering	
Road Network	Major collector (Okanagan Ctr. East), Highway 97
Driveway Access	Permit required upon Building Permit application
Water Supply:	Municipal (source: Okanagan Lake/Beaver Lake)
Sewer:	On-site septic
Drainage / Stormwater	Ditch conveyance along Okanagan Ctr. East., MOTT operated drainage on Hwy. 97
Comments:	At time of Building Permit application a works and services application will be required. At this time connection to community sewerage and stormwater drainage system designs would be required. Also, the applicant will be required to construct excess and extended services to provide a pedestrian connection to Highway 97.

Site Context

The subject properties are located along Okanagan Centre Road East and Highway 97 (Attachment B). Future amalgamation of the subject parcel is proposed by the applicant to facilitate a proposed mixed-use development. Should Council support the zoning bylaw amendment, the mixed-use project would come before Council for consideration as a Development Permit in the future. The subject properties are located within the Urban Containment boundary and are located in the Town Centre.

KEY DECISION POINTS:

- September 2, 2025: Council considered first and second reading of the land use and zoning amendment bylaws where the applications were forwarded to a public hearing.
- September 16, 2025: Public hearing held.
- September 16, 2025: following the public hearing, Council granted 3rd reading and adoption for the OCP land use amendment portion of this application (Bylaw 1294). In addition, staff was directed to prepare a Comprehensive Development Zone (CD19) for the zoning amendment portion of this application.

- November 4, 2025: Consideration of 1st and 2nd reading of the draft CD19 zone by Council.

ANALYSIS

Zoning Amendment

The subject properties are zoned RU1 – Small Scale Multi Unit Housing under Zoning Bylaw 561, 2007. As the future land use designation of the subject properties is identified under the OCP as Mixed Use Commercial, the current zoning of RU1 would be inconsistent with the OCP. As such, the applicant had requested to rezone the properties to C1 – Town Centre Commercial. A land use analysis, which supports this application is included in Attachment C.

In response to Council’s feedback during the September 2025 Council meetings, staff have worked with the applicant to prepare a comprehensive development zone. The intent of the draft CD19 zone is also to support the methodical development of the Town Centre similar to that of the C1 zone, plus, include building setbacks, remove the requirement for future variances that would prohibit the full potential of any future mixed use development and reduce the permitted principal uses which would better support the development of the Town Centre as an employment, residential and cultural core of the community.

The proposed CD19 zone has taken a tailored approach based on Council’s direction and the applicant’s proposal for commercial and residential development of the subject properties. The draft CD19 zone is included with this report as Attachment A; this zone was based on the C1 zone, but incorporates the following key differences:

- Reduction in Principal Uses: The C1 zone permits a wide range of commercial uses including government services, public parks, boarding houses, funeral services, gaming facilities etc. Staff are proposing to reduce the permitted uses to support orderly commercial development of the subject properties. A complete list of permitted uses under the C1 zone is provided in Attachment D.
- Mixed-Use Percentages: The C1 zone requires a minimum of 90% of commercial use on any street frontage and a minimum of 50% of the gross floor area of the main floor. Staff propose that a minimum of 25% of commercial use be provided along Highway 97 frontage and 73% along Okanagan Centre Road East frontage.

- Zone Setbacks

Side Yards: The C1 zone permits a 0.0m side yard setback.

In general terms, the intent of the permitted 0.0m side yard setbacks of C1 Town Centre Commercial zone is to support orderly development of commercial and residential uses over the long-term. Setback gaps between buildings may impact the development of the Town Centre over the long-term where underutilized spaces would occur between buildings and properties which have potential to become derelict spaces.

The CD19 zone proposes 3.0m side yard building setbacks. The intention of a 3.0m side yard setback is to provide a setback space between adjacent parcels, particularly the existing residential parcels to the north.

Rear Yard: The C1 zone permits a 0.0m rear yard setback.

The CD19 zone proposes a 3.0m rear yard setback to provide buffering between the subject properties and Okanagan Centre Road East.

Front Yard: would remain at the 4.5m setback as required for development adjacent to Highway 97.

- Hillside Development Sightlines:

The intent of this regulation is to protect view corridors along hillsides as development occurs overtime. As the subject properties have a natural slope of 10% or more, the Hillside Development Sightlines of the Zoning Bylaw (s.7.13) would apply to future development.

The application of this regulation would impact the ability for the subject properties to fully develop as mixed-use commercial in accordance with the OCP. A building constructed to the maximum permitted height under the CD19 zone (22.0m) would impact uphill parcels along Winview Road with eastern views partially or fully obstructed. While it is not ideal to reduce views, in order to fully develop the Town Centre, and meet community objectives, it is recommended that the Hillside Development Sightlines not be applied to the CD19 zone.

- Daylighting Standards:

The Zoning Bylaw regulates daylighting standards where a minimum 65 degree is required for buildings over 2 storeys/10.0m in height to provide access to daylight to adjacent parcels property lines and public spaces. This angular plane is measured from the building to the side lot lines or centre lines of adjacent right of ways (e.g., roads, highways).

In order to proceed with the proposed development, and remove the need for future variances at development permit stage, it is proposed that the CD19 zone includes the following changes:

- a) all points along the central line of an adjacent street and inclined at an angle of 65° to the horizontal; **change proposed to maximum of 70°**
- b) all points along the side lot line and inclined at an angle of 65° to the horizontal; **change proposed to maximum of 82°.**

The proposed development would have an angular plane of 70° to the centre line of Okanagan Centre Road East and would meet the 65° angular plane to the centre line of Highway 97. Limited impact (limited increase in shade) would occur to the public realm along Okanagan Centre Road East and no impact would occur to the public realm along Highway 97 as there is no change proposed in the angular plane on the east side (Highway 97).

Adjacent parcels to the south would not be impacted by the reduced daylighting standard, as that is the direction in which sun is received. However, reduced daylighting standards (increase in shade) would impact existing residential parcels to the north. It is noted that the adjacent parcels to the north are designated as mixed-use commercial under the OCP with the intent that these parcels transition from single-family residences to mixed-use commercial to support development of the Town Centre.

Key differences between the C1 and CD19 zone are identified in red in Table 1: Zoning Comparison Chart

Table 1: Zoning Comparison Chart

CRITERIA	DEVELOPMENT REGULATIONS		
	RU1 – Small-Scale Multi Housing (Existing)	C1 Zone	CD19 – Town Centre Commercial Adapted (Proposed)
Principal Uses	<ul style="list-style-type: none"> group homes, minor single dwelling housing small-scale multiple housing 	<ul style="list-style-type: none"> zone permits a wide range of mixed commercial uses: government, financial, retail, entertainment, cultural and residential uses 	<p>Zone permits tailored commercial and residential uses:</p> <ul style="list-style-type: none"> apartment housing care centres, minor community recreation services hotels financial services food primary establishment health services licensee retail liquor store (smaller than 75 m2) liquor primary establishment, minor offices participant recreation services, indoor personal service establishments cultural exhibits retail stores, convenience retail stores, general breweries and distilleries, minor cannabis dispensary
Secondary Uses	<ul style="list-style-type: none"> bed and breakfast homes care centres, minor home occupations secondary suite utility services, minor impact short term vacation rental backyard chickens 	<ul style="list-style-type: none"> amusement arcade, minor apartment housing care centres, minor & intermediate home occupation utility services, minor impact 	<ul style="list-style-type: none"> multiple dwelling housing (inclusion) apartment housing care centres, minor home occupation utility services, minor impact <p>Removal of: Care centres, major</p>
Mixed Use	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> mixed use building incorporating residential and other uses shall provide a commercial use on the first floor which must occupy a minimum of 90% of any street frontage and a minimum of 50% of the gross floor area of the main floor. 	<ul style="list-style-type: none"> mixed use building incorporating residential and other uses shall provide a commercial use of the first floor to occupy a minimum of 25% of the Highway 97 street frontage and occupy a minimum of 73% of the Okanagan Centre Road East street frontage
Buildings & Structures	<ul style="list-style-type: none"> one single detached house accessory buildings or structures small-scale multiple housing 	<ul style="list-style-type: none"> Not specified 	<ul style="list-style-type: none"> Not specified
Site Coverage	<ul style="list-style-type: none"> 40% to 60% depending on if single dwelling housing or Small Scale Multiple Housing 	<ul style="list-style-type: none"> Not Specified 	<ul style="list-style-type: none"> Not Specified

CRITERIA	RU1 – Small-Scale Multi Housing (Existing)	C1 Zone	CD19 – Town Centre Commercial Adapted (Proposed)
Density	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> Commercial Use Only: Max FAR 1.5 Mixed Use: Max 3.0 FAR and 3.5 FAR with amenity bonusing Bonus Increase in FAR by 0.2 for underground parking 	<ul style="list-style-type: none"> Commercial Use Only: Max FAR 1.5 Mixed Use: Max 3.0 FAR and 3.5 FAR with amenity bonusing Bonus Increase in FAR by 0.2 for underground parking
Height	<ul style="list-style-type: none"> Between 5.5m to 11m depending on housing typology 	<ul style="list-style-type: none"> Apartment/Apartment Hotels: Lesser of 12.4m or 3 storeys with increase to 22.0m or 6 storeys with density bonusing Other Uses 12.4m or 3 storeys with increase to 16.5m or 4 storeys with density bonusing 	<ul style="list-style-type: none"> Apartment/Commercial: Lesser of 12.4m or 3 storeys with increase to 22.0m or 6 storeys with density bonusing Other Uses 12.4m or 3 storeys with increase to 16.5m or 4 storeys with density bonusing
Front Yard	<ul style="list-style-type: none"> 4.5m to 6.0m 	<ul style="list-style-type: none"> 2.0m, but 4.5m adjacent to Hwy 97 	<ul style="list-style-type: none"> 4.5m
Side Yard	<ul style="list-style-type: none"> 2.0m to 6.0m 	<ul style="list-style-type: none"> 0.0m 	<ul style="list-style-type: none"> 3.0m
Rear Yard	<ul style="list-style-type: none"> 4.5m to 6.0m 	<ul style="list-style-type: none"> 0.0m 	<ul style="list-style-type: none"> 3.0m
Private Open Space	<ul style="list-style-type: none"> Min. 7.5m² per dwelling unit 	<ul style="list-style-type: none"> 6.0m² per bachelor dwelling 10.0m² for 1 bedroom dwelling 15.0m² per dwelling unit with more than 1 bedroom 	<ul style="list-style-type: none"> 6.0m² per bachelor dwelling 10.0m² for 1 bedroom dwelling 15.0m² per dwelling unit with more than 1 bedroom
Drive Aisle	<ul style="list-style-type: none"> SSMUH: 6.0m to 6.5m 	<ul style="list-style-type: none"> Two way aisles: 7.0 m wide for all two way aisles and for all 90° parking One way aisles: 5.5 m wide for 60° parking, 3.6 m wide for 45° parking and 3.5 m wide for parallel parking 	<ul style="list-style-type: none"> Two way aisles: 7.0 m wide for all two way aisles and for all 90° parking One way aisles: 5.5 m wide for 60° parking, 3.6 m wide for 45° parking and 3.5 m wide for parallel parking
Daylighting Standards	<ul style="list-style-type: none"> 65° angular plane requirement for buildings more than 10.0m in height / 2 storeys 		<ul style="list-style-type: none"> all points along the centre line Highway 97 and inclined at an angle of 65° to the horizontal and all points along the centre line of Okanagan Centre and inclined at an angle of 70° to the horizontal all points along the south side lot line and inclined at an angle of 82° to the horizontal and all points along the north side lot line inclined at an angle of 78° to the horizontal
Hillside Development Sightlines	<ul style="list-style-type: none"> Horizontal plane to establish maximum height on lots having slope angle of 10° or more 		<ul style="list-style-type: none"> N/A to this CD Zone (Proposed)

CRITERIA	RU1 – Small-Scale Multi Housing (Existing)	C1 Zone	CD19 – Town Centre Commercial Adapted (Proposed)
Landscaping	RU1 Zone	C1 Zone	CD Zone (Proposed)
Front	<ul style="list-style-type: none"> Level 1: No specific guidelines for buffering 	<ul style="list-style-type: none"> Level 2: 3.0m landscape buffer 	<ul style="list-style-type: none"> Level 2: 3.0m landscape buffer
Sides	<ul style="list-style-type: none"> Level 1: No specific guidelines for buffering 	<ul style="list-style-type: none"> Level 3: 3.0m landscape buffer or opaque barrier 	<ul style="list-style-type: none"> Side (North and South) – Level 3: 3.0m landscape buffer or opaque barrier
Rear	<ul style="list-style-type: none"> Level 1: No specific guidelines for buffering 	<ul style="list-style-type: none"> Level 3: 3.0m landscape buffer or opaque barrier 	<ul style="list-style-type: none"> 1.5m Rear Yard (OK Centre Rd. E)

PARKING REGULATIONS		
CRITERIA	RU1	C1 & CD Zone
Total Required Vehicle Parking	<ul style="list-style-type: none"> 2 to 6 depending on housing typology 	<ul style="list-style-type: none"> 1 per dwelling unit in the CD zone
Visitor Parking	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> 1 parking space shall be designated visitor parking for every 7 dwelling unit
Bicycle Stall Class I Bicycle Stall Class II	<ul style="list-style-type: none"> N/A 	Residential: <ul style="list-style-type: none"> Class I: 0.5 per dwelling unit Class II: 0.1 per dwelling unit Commercial: <ul style="list-style-type: none"> Class I: 0.20 per 100 m² GLA; or 1 per 10 employees Class II: 0.60 per 100 m² GLA

Traffic Impact Analysis

A traffic impact analysis was performed by Bunt & Associates on February 14th, 2025. In this report, it was determined that the intersection at Okanagan Centre Road E and Highway 97 was capable of supporting the trip generation increase of the anticipated redevelopment along Okanagan Centre Road E.

In addition, to support future road improvements, a 2.0m road dedication is required along Okanagan Centre Road East (Attachment E). Excess road right of way has also been identified on Okanagan Centre Road East; should this rezoning application proceed, a road closure request would be forwarded to Council for consideration.

Staff support rezoning the subject properties from RU1 to CD19 as the CD19 zone would be consistent with OCP.

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other (see below)

Liquid Waste Management Plan

The existing infrastructure currently has sufficient capacity to support the proposed development.

COMMUNICATION

- This application was referred to internal departments and comments were provided and shared with the applicant through the Comprehensive Letter
- The Ministry of Transportation provided conditions as part of the rezoning application and comments were provided by the Ministry as follows:
 - No direct access from the subject properties to Highway 97
 - Review of any proposed lot consolidation
 - All development drainage to be retained on the subject properties
 - Traffic Movement and Volume Analysis
 - Sign off of the Zoning Bylaw required
- The applicant completed a public information meeting (neighbour consultation), and the provided feedback was largely supportive of the proposal. The applicant's summary of engagement was provided with the previous report.

ALTERNATE RESOLUTION OPTION(S)

1. THAT Zoning Amendment (OPZ00004) Bylaw 1306, 2025 not be read a first time, and the file be closed.
2. THAT Zoning Amendment (OPZ00004) Bylaw 1306,2025 be deferred pending additional information identified by Council.

Respectfully Submitted,
Trevor Empey, Senior Planner
MCIP, RPP

Report Approval Details

Document Title:	OPZ00004 - 9730, 9750, 9764, 9778 Highway 97 and 9743, 9751 Okanagan Centre Road East .docx
Attachments:	<ul style="list-style-type: none"> - Attachment A - OPZ00004 - Draft Zoning Bylaw 1306, 2025.pdf - Attachment B - OPZ00004 - Location, Land Use and Zoning Maps.pdf - Attachment C - OPZ00004 - Land Use Analysis.pdf - Attachment D - OPZ00004 - C1 Zoning Regulations.pdf - Attachment E - OPZ00004 - Road Dedicaiton Draft Diagram.pdf
Final Approval Date:	Oct 29, 2025

This report and all of its attachments were approved and signed as outlined below:

Carie Liefke, Manager of Current Planning - Oct 29, 2025 - 8:42 AM

Steven Gubbels, Development Engineering Manager - Oct 29, 2025 - 10:39 AM

Matthew Salmon, Infrastructure & Development Engineering Director - Oct 29, 2025 - 10:49 AM

Jeremy Frick, Director of Development Approvals - Oct 29, 2025 - 12:40 PM

Reyna Seabrook, Director of Corporate Services - Oct 29, 2025 - 1:13 PM

Paul Gipps, Chief Administrative Officer - Oct 29, 2025 - 1:23 PM

Makayla Ablitt, Manager of Corporate Administration - Oct 29, 2025 - 1:43 PM